



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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September 22, 2016

America's Choice
c/o Chris Lewullen
1385 Greenbag Road
Morgantown, WV 26505

**RE: CU16-08 / America's Choice / 1385 Greenbag Road
Tax Map 31, Parcel 101.9**

Dear Mr. Lewullen:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for an "Automotive Sales" use at 1385 Greenbag Road. The decision is as follows:

Board of Zoning Appeals, September 21, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU16-08 with the condition that the beneficiary of the Board's conditional use approval is specific to the petitioner's related business organization and may not be transferred without prior approval of the Board.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that requisite building permits and sign permits must be obtained prior to the commencement of any work.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU16-08 / America’s Choice / 1385 Greenbag Road

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

Vehicles sales and automotive repair services are often aligned and are not anticipated to significantly increase trip generation to the subject site.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The sale of vehicles at the subject site is not anticipated to result in deleterious conditions.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The sale of vehicles at the subject site will not result in additions or modifications to the subject principal and/or accessory structures that would change existing sunlight distribution and air flow conditions within the immediate built environment.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The sale of vehicles at the subject site will not result in additions or modifications to the subject principal and/or accessory structures.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

A residential component is not proposed with the “Automotive Sales” use.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The sale of vehicles at the subject site is not anticipated to increase the demand for public goods, services, or utilities above that already serving the site and surrounding built environment.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

The sale of vehicles at the subject site is not anticipated to adversely affect the value surrounding buildings.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

Vehicles sales and automotive repair services are often aligned and several similar establishments are located within the Sabraton area.